

DRAFT

DELIBERATIVE AGENDA

CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, MAY 24, 2010
6:00 P.M. – 7:00 P.M.

1. AGENDA

2. COMMUNICATION: Bill Ellis, Esq., re: BT Update (oral)

* * * * **EXPECTED EXECUTIVE SESSION** * * * *

3. COMMUNICATION: Joseph E. McNeil, Esq., re: Collective Bargaining (oral)

* * * * **EXPECTED EXECUTIVE SESSION** * * * *

4. ADJOURNMENT

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, MAY 24, 2010
7:20 P.M.

PRESENT: All Commissioners except for Commissioners Decelles, Wright and Paul were at the meeting during the Local Control Commission items.

ABSENT: Commissioneres Decelles, Wright and Paul

CITY ATTORNEY'S OFFICE: Nikki Fuller

CLERK/TREASURER'S OFFICE: Sue Trainor, Ben Pacy

PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Commissioners VD, with no second, the Local Control Commission voted unanimously to amend the agenda as follows: add to the agenda item 5.001. COMMUNICATION: Deborah Osmond Frankel, re; Stellar Restaurant Group, Incorporated d/b/a BOLOCO, 92 Church Street, Warner Block Building; add to the agenda item 5.002. COMMUNICATION: Judy Shea, Owner, 92 Church Street, re: In Favor of Boloco; add to the agenda item 5.003. COMMUNICATION: Deborah Osmond Frankel, re: Boloco.

2. CONSENT AGENDA

This item was not voted on.

3. PROPOSAL FOR DECISION, STIPULATED PROPOSED FINDINGS, CONCLUSIONS OF LAW & ORDER: Dodge-n-Luck, Inc., d/b/a Rasputins

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Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the proposal for decision, proposed findings and conclusions. The motion passed unanimously.

4. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION **(2010-2011)**:

Kehoe Inc., d/b/a Big Daddy's, 177 Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the First Class Restaurant Liquor License Application (2010-2011). The motion passed unanimously.

4.01. OUTSIDE CONSUMPTION PERMIT APPLICATION **(2010-2011)**:

Kehoe Inc., d/b/a Big Daddy's, 177 Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the Outside Consumption Permit Application (2010-2011). The motion passed unanimously.

5. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION **(2010-2011)**:

Stellar Restaurant Group, Inc., d/b/a Boloco, 92 Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the First Class Restaurant Liquor License Application (2010-2011). The motion passed unanimously.

5.001. COMMUNICATION: Deborah Osmond Frankel, re; Stellar Restaurant Group, Incorporated d/b/a BOLOCO, 92 Church Street, Warner Block Building

5.002. COMMUNICATION: Judy Shea, Owner, 92 Church Street, re: In Favor of Boloco

5.003. COMMUNICATION: Debora Osmond Frankel, re: Boloco

With no objection from the remaining Council, President Keogh made a motion to waive the readings, accept the communications and place them on file.

5.01. OUTSIDE CONSUMPTION PERMIT APPLICATION **(2010-2011)**:

Stellar Restaurant Group, Inc., d/b/a Boloco, 92 Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the Outside Consumption Permit Application (2010-2011). The motion passed unanimously.

6. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION **(2010-2011)**:

Church Holdings, Inc., d/b/a Church & Main, 156B Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the First Class Restaurant Liquor License Application (2010-2011). The motion passed unanimously.

6.01. OUTSIDE CONSUMPTION PERMIT APPLICATION **(2010-2011)**:

Church Holdings, Inc., d/b/a Church & Main, 156B Church Street

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Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the Outside Consumption Permit Application (2010-2011). The motion passed unanimously.

7. ADJOURNMENT

On a motion by Commissioners Dober and Berezniak, the Local Control Commission adjourned at 7:30 p.m.

Attest:

Sue Trainor, Assistant to the CAO and Ben Pacy, Assistant to the CAO

REGULAR MEETING, CITY COUNCIL
MONDAY, MAY 24, 2010
7:30 P.M.

PRESENT: All Councilors were present except for Councilor Decelles. Councilor Wright arrived at 7:30 p.m. and Councilor Paul arrived at 7:35 p.m.

ABSENT: Councilor Decelles

ATTORNEY: City Attorney Ken Schatz, Eugene Bergman

CLERK/TREASURER: CAO Jonathan Leopold, Assistant CAO Benjamin Pacy, Sue Trainor

1. AGENDA

On a motion by Councilors Adrian and Shannon, the Council voted unanimously to amend the agenda as follows: note the attachments for consent agenda item 3.09. RESOLUTION: Approval of Gross Receipts Overpayment Refund, remove Item 6. RESOLUTION: Designation of Polling Place for Ward 3 (Councilors Mulvaney-Stanak, Caldwell). Note revised version of item 8. RESOLUTION: Authorization for Public Improvement and Street Repaving Bonds For Fiscal Year 2011 (Board of Finance)

2. PUBLIC FORUM

President Keogh opened the public forum at 7:31 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Richard Kemp		Puerto Cabezas
Thomas DeSisto		Sitting Downtown

There being no one further coming forward, President Keogh closed the public forum at 7:40 p.m.

3. CONSENT AGENDA

On a motion by Councilors Adrian and Shannon, the Council voted unanimously to adopt the consent agenda, as amended, thus taking the following actions as indicated:

3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:

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Accountability List

*waive the reading, accept the communication and place it on file

3.02. RESOLUTION: Appointment of Ward 3 Inspector of Elections (Councilor Mulvaney-Stanak)

*waive the reading and adopt the resolution

3.03. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Bueno Y Sano (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Junior's Downtown (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Big Fatty's BBQ (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Pho Hong Restaurant (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Big Daddy's Restaurants (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.08. RESOLUTION: Approval of Establishment of Gross Receipts Tax for Taxpayers Who Have Failed to File a Return (Board of Finance)

*waive the reading and adopt the resolution

3.09. RESOLUTION: Approval of Gross Receipts Overpayment Refund (Board of Finance)

*waive the reading and adopt the resolution

3.10. RESOLUTION: Authorization to Contract for Services Associated with Cooling System Upgrade at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.11. REPORT: Mark Saba, Burlington Fire Commission, Chair, re: 2010 Annual Report of the Burlington Fire Commission to the Burlington City Council

*waive the reading, accept the report and place it on file

3.12. REPORT: Lisa Jones, Board Clerk, Burlington Housing Board of Review, re: Annual Report for 2009

*waive the reading, accept the report and place it on file

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3.13. COMMUNICATION: Bill Keogh, Council President, re: Memo – May 19, 2010

*waive the reading, accept the communication and place it on file

3.14. COMMUNICATION: Mayor Bob Kiss, re: 2010 Justice Assistance Grant (JAG)

*waive the reading, accept the communication and place it on file

3.15. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

Juniors Pizza, Firehouse Gallery, 135 Church Street, Birthday Party, DJ, Dancing, May 30, 2010, 5:30 p.m. – 12:00 a.m.

*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Junior's Pizza

3.16. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

The Spot, 210 Shelburne Road, Burlington Community Sailing Center Benefit, Invite only, Band, Dancing, May 29, 2010, 5:00 p.m. – 10:00 p.m.

*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for The Spot

3.17. UMBRELLA ENTERTAINMENT PERMIT APPLICATION (**June 4-13, 2010**):

Burlington Discover Jazz Festival, Various City Entities, June 4 through June 13, 2010

*waive the reading, accept the communication, place it on file and approve the Umbrella Entertainment Permit Application for Burlington Discover Jazz Festival, June 4 through June 13, 2010

3.18. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (**June 4th-13th**):

Leunig's Bistro, 115 Church Street, Jazzfest Venues, June 4 through June 13, 2010

*waive the reading, accept the communication, place it on file and approve the Special Event Outdoor Entertainment Permit Application for Leunig's Bistro for June 4 through June 13, 2010

3.19. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

Leunig's Bistro, 115 Church Street, Monday, September 13, 2010, 5 p.m. – 10 p.m., Fashion Show

*waive the reading, accept the communication, place it on file and approve the Special Event Outdoor Entertainment Permit Application for Leunig's Bistro for Monday, September 13, 2010

3.20. COMMUNICATION: Ben Pacy, Asst. CAO (reviewed by CAO Leopold), re: Board of Finance Minutes for May 3, 2010

*waive the reading, accept the communication and place it on file

3.21. COMMUNICATION: Ben Pacy, Asst. CAO (reviewed by CAO Leopold), re: Board of Finance Minutes for May 6, 2010

*waive the reading, accept the communication and place it on file

3.22. COMMUNICATION: Ben Pacy, Asst. CAO (reviewed by CAO Leopold), re: Board of Finance Minutes for May 10, 2010

*waive the reading, accept the communication and place it on file

3.23. COMMUNICATION: Ben Pacy, Asst. CAO (reviewed by CAO Leopold), re: Board of Finance Minutes for May 13, 2010

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*waive the reading, accept the communication and place it on file

4. PEDDLER LICENSE APPLICATION (2010-2011):

August First, Selling baked goods on a bicycle with an enclosed basket

Councilor Dober made a motion, seconded by Councilor Mulvaney-Stanak, to approve the Peddler License Application (2010-2011). The motion passed unanimously.

5. RESOLUTION: Memorial Day (Councilors Caldwell, Mulvaney-Stanak, Bushor)

Councilor Caldwell made a motion, seconded by Councilor Mulvaney-Stanak, to approve the resolution which asked for a moment of silence to honor the veterans of all wars. The motion passed unanimously and the Council had a moment of silence.

6. RESOLUTION: Designation of Polling Place for Ward 3 (Councilors Mulvaney-Stanak, Caldwell)

This item was pulled from the agenda.

7. RESOLUTION: Authorization for School Department Bonds (Board of Finance)

Councilor Wright made a motion, seconded by Councilor Paul, to approve the authorization of the \$9.7 million School Department Bond. The motion passed unanimously.

8. RESOLUTION: Authorization for Public Improvement and Street Repaving Bonds For Fiscal Year 2011 (Board of Finance)

Councilor Wright made a motion, seconded by Councilor Paul, to approve the amended resolution (amended just prior to the Council meeting) authorizing bonds for public improvements and street repaving for FY 2011. The motion passed unanimously.

9. COMMUNICATION: Gail Moreau, Executive Director, Heineberg Senior Center and Holly Sullivan, Executive Director, Champlain Senior Center, re: Mission and Programs

Gail Moreau, Holly Sullivan, Suzanne White, Helen Simons, Marcia Mason and Beverly LaPointe spoke to the Council outlining the benefits that the Senior Center provides to Burlington residents. Food, community events and transportation needs are met through the centers.

10. REPORT: Mari Steinbach, Parks & Recreation Director, re: Department Annual Report

Councilor Adrian made a motion, seconded by Councilor Shannon, to accept the report, waive the reading and place the report on file. The motion passed unanimously. Parks and Recreation Director Steinbach spoke to the Councilors, outlining the highlights of the work the Department had done over the past year. Councilors Dober, Berezniak, Kehoe and Mulvaney-Stanak asked questions and provided comments. Councilor Bushor, in particular, asked for more specific documentation outlining the per participant costs associated with the activities provided by the Department.

11. REPORT: Burlington Employees' Retirement System, re: City Council Report for July 2009

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Councilor Adrian made a motion, seconded by Councilor Kaplan, to accept the report, waive the reading and place the report on file. Mr. James Strouse, Chair of the Retirement Board, and Marina Collins, Administrator, spoke to the Council and provided updates. The report that was provided in writing to the Council was from 2009 and Mr. Strouse provided verbal updates. Mr. Strouse also informed the Council that a meeting of the Retirement Board will be held in August with members of VPIC and invited Council members to attend.

12. REPORT: Peter L. Potts, Chair, Burlington Planning Commission, re: Annual Report of the Burlington Planning Commission, Fiscal Year 2010 July 1, 2009 – June 30, 2010)

Councilor Adrian made a motion, seconded by Councilor Shannon, to accept the report, waive the reading and place the report on file. Councilor Bushor asked about the TIF District and Councilor Shannon asked about LEAD Standards. The Mayor asked Mr. Potts about the performance of the Planning Director and the Commission's view on the Moran Project.

13. COMMITTEE REPORTS

Councilor Paul: Upcoming TEUC Committee meeting.

Councilor Bushor: HR Committee meeting on 5/26 has been cancelled

Councilor Kaplan: Upcoming Parks, Arts and Culture Committee meeting

Councilor Adrian: Upcoming Public Safety Committee on June 8th to discuss Challenge for Change

Councilor Shannon: Upcoming Ordinance Committee meetings.

Councilor Kehoe: Upcoming Ad-Hoc Committee on Pensions and Labor Negotiations

Councilor Mulvaney-Stanak: Upcoming Moran Task Force

Councilor Caldwell: Ward 2/3 NPA Dinner

14. COMMUNICATION: City Councilors, re: General City Affairs

Councilor Paul spoke about her recent trip with Councilor Shannon, Mr. Pat Robins and Sandrine Thibault to Denver and Boulder to compare the differences and similarities to Burlington.

15. COMMUNICATION: Mayor Kiss, re: General City Affairs

The Mayor announced the upcoming four meetings on the Champlain Parkway in which various aspects of the construction will be reviewed.

He then informed the Council that on June 4th, during the Jazz Festival, the unveiling of the Big Joe Burrell Statue will take place.

16. ADJOURNMENT

On a motion by Council President Keogh, and with appreciation to Ben Pacy for the new microphones and sound system, the Council voted unanimously to adjourn at 8:59 p.m.

Attest:

Sue Trainor, Assistant to the CAO and Ben Pacy, Assistant to the CAO